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	Application No.	Applicant(s)
Notice of Allowability	10/632,660	AZENKO ET AL.
	Examiner	Art Unit	
	Christine T. Tu	2117	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to _amendment filed August 15, 2007_.

2. ☒ The allowed claim(s) is/are _1-6,8,9,11-14,16-19,26-31 and 35-37_.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

     1. ☐ Certified copies of the priority documents have been received.

     2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

     3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

     1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

CHRISTINE T. TU
Primary Examiner

1.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 11:

At line 2, delete the hyphen "-" preceding the word "the" (second appearance).

Claim 12:

At line 2, delete the hyphen "-" preceding the word "the" (second appearance).

Claim 14:

At line 4, delete the hyphen "-" preceding the word "said" (second appearance).

At lines 15-16, delete " ByteErrorRate = $\dfrac{(T + 1)*n\_error}{(K + 2T) * n\_total}$ "

At lines 15-16, insert " ByteErrorRate = $[(T + 1)*n\_error] / [(k + 2T) * n\_total]$ ".

At line 21, replace "(k+2t)" to "(k+2T)".

At line 24, replace "thresholdsand" with "thresholds; and".

Claim 16:

At line 15, replace "BER = $0.5*(T + 1)*n\_error/(k + 2T) * n\_total$ " with

" BER = $[0.5*(T + 1)*n\_error] / [(k + 2T) * n\_total]$ ".

Claim 27:

    At line 1, replace "4comprising" with "4 comprising".

2.   The following is an examiner's statement of reasons for allowance:

    The present invention pertains a process for automatically altering the data rate

on a logical channel with changing noise conditions. The prior arts, however, do not

teach the process comprising a combination of features of resetting a total

uncorrectable codeword count for a logic channel for an interval, resetting a total

codewords received count for the logical channel for the interval, receiving a burst on

the logical channel, and adding the total codewords received in the burst to the running

total of codewords received for the interval, receiving information regarding the number

of uncorrectable codewords in the received burst and adding the number of

uncrorrectable codewords to a running total of uncorrectable codewords for the logical

channel over the interval, determining in any way whether the interval has been

completed, if the interval has not been completed, returning to the feature of receiving a

burst on the logical channel, if the interval has been completed, calculating a byte error

rate of the logical channel and comparing the byte error rate to one or more byte error

rate thresholds, the byte error rate (ByteErrorRate) = $[(T + 1) * \text{n\_error}] / [(k + 2T) *$

$\text{n\_total}]$ where T is the number of the maximum correctable bytes in the R-S codeword,

n_error is the total number of uncorrectable R-S codewords for the interval from

predetermined interval usage code (IUC) burst types, n_total is the total number of

received R-S codewords from predetermined IUC burst types received within the time

interval, K is the number of information bytes in an R-S codeword of a specific IUC; and

(k+2T) stands for the R-S code word length in bytes; determining if a change in data

rate throughout is required based upon the comparison of the byte error rate to the one

or more byte error rate threshold, and if a change in data rate throughput is required,

generating a signal indicating a need for a change in the data rate of the logical

channel. Hence, the prior arts of record do not anticipate nor render obvious the

claimed inventions. Thus, claims 1-6, 8-9, 11-14, 16-19, 26-31 and 35- 37 are allowable

over the prior arts of record.

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christine Tu whose telephone number is (571) 272-

3831. The examiner can normally be reached on Monday-Thursday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jacques Louis-Jacques can be reached on (571) 272-6962. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christine Tu
Primary Examiner
Art Unit 2117

August 23, 2007